

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOEL BURKETT,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

Case No. 3:16-cv-00062-MMD-VPC

ORDER

I. DISCUSSION

On February 10, 2016, Defendants removed this case from state court. (Dkt. no. 1.) On February 18, 2016, Plaintiff, a *pro se* prisoner, filed a motion to voluntarily dismiss this case. (Dkt. no. 5.) On March 1, 2016, Defendants filed a non-opposition to Plaintiff's motion to voluntarily dismiss the case. (Dkt. no. 6.)

Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

II. CONCLUSION

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (dkt. no. 5) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

1 It is further ordered that the Clerk of the Court will enter judgment accordingly.

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3 DATED THIS 2nd day of March 2016.

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5 MIRANDA M. DU
6 UNITED STATES DISTRICT JUDGE
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